

REMARKS

Claims 1-26 are all the claims pending in the application. Applicants thank the Examiner for allowance of claims 12-16, and for indicating that claims 21-26 include patentable subject matter.

Applicants respectfully submit that the November 16, 2005 Office Action be made non-final since the Examiner has cited the new reference Ying (U.S. Patent No. 6,757,521) in the rejection.

Claim Rejections - 35 USC § 103

Claims 1, 3, 8, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fletcher et al. (SIR H1,897) (“Fletcher”) in view of Bortcosh et al. (U.S. Patent No. 5,983,364) (“Bortcosh”).

In the August 24, 2005 Response, Applicants traversed this rejection. In particular, Claim 1 recites searching a database ... “so that data necessary for fault diagnosis and fault recovery are acquired by said maintenance terminal.” The system in Bortcosh, however, operates in an opposite manner. That is, data necessary for fault diagnosis and fault recovery is not acquired by the maintenance terminal (remote terminal), but by the expert system unit 20. In particular, Bortcosh includes an expert system unit 20 with problem analysis 24, along with executive unit 28 and remote unit 26 (see Fig. 1). When a problem is detected by the Bortcosh system, the expert system 20 is the unit that obtains the data from executive unit 28 and remote unit 26 for fault diagnosis and fault recovery (see col. 3, lines 23-47). As disclosed in Bortcosh, once a problem has been identified, the executive unit 28 selects an appropriate file set 60 for the

problem from the databases 40 for the problem, and presents the problem to the expert system 20 for analysis (see steps 200 and 204 in Fig. 2). Accordingly, it is not the remote terminal in the Bortcosh system that obtains the data for fault diagnosis and fault recovery, but rather the expert system 20. As such, the remote terminal is only used for providing data. Accordingly, Applicants respectfully submitted that claim 1 is allowable over the combination of Fletcher and Bortcosh, and that independent claims 8 and 17 included similar features and were allowable for the same reasons. Claim 3 is allowable at least based on its dependence on claim 1.

In Response, in this Office Action, the Examiner states that Bortcosh teaches a fault-diagnosis system having a database for storing file sets, which constitutes a knowledge-base module about a particular problem area wherein each file set contains a diagnostic set; an expert system unit uses file set contains the diagnostic for each case or problem to be diagnosed (citing column 5 line 13-36). The Examiner states that since the expert system unit uses information in the file to fix a problem, the expert system unit is considered as a maintenance terminal.

Applicants note that the Examiner has now provided a new grounds of rejection, and also that this grounds of rejection conflict with that provided on page 3 of the Office Action where the Examiner states that it is the remote unit which is considered a maintenance terminal. Applicants have previously argued that the data necessary for fault diagnosis and fault recovery is not acquired by the maintenance terminal (remote terminal), (as the Examiner argues on page 3 of the Office Action) but by the expert system unit 20. The Examiner is kindly referred to Figure 1 of Bortcosh which shows that the expert system unit 20 and the remote unit 26 are different units. The Examiner is kindly requested to indicate which of the separate units is the

maintenance terminal, and which grounds of rejection is the appropriate rejection to respond to in a non-Final Office Action.

Claims 1, 3, 8, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fletcher et al. (SIR H1,897) ("Fletcher") in view of Ying (U.S. Patent No. 6,757,521).

Applicants note that this is a new grounds of rejection based on the citation of Ying, and as such, the November 16, 2005 Office Action should be made non-final.

In the rejection, the Examiner acknowledges that Fletcher does not disclose searching a database server in which fault data and a diagnosis dictionary are stored through the server to acquire fault diagnosis-and fault recovery as recited in claim 1. However, the grounds of rejection state that Ying discloses a method and system for diagnosis of a maintenance vehicle, comprising: portable diagnostic terminal 730 remotely accessing the appropriate diagnostic and maintenance information stored in the diagnostic and maintenance information database 780 (column 11 lines 13-25). As such, the Examiner states that it would have been obvious to those skilled in the art at the time the invention was made to have Fletcher, modified by Ying to allow a repair technician to wirelessly access the fault/diagnosis information which is potentially less time consuming and more accurate to troubleshoot a problem than the conventional way.

Applicants respectfully traverse this rejection. In the section cited by the Examiner, the NMS-C 90, considered as the maintenance terminal is not used to perform fault diagnosis and recovery operations. Rather, as explained in col. 16, lines 8-25, the NMS-C 90 merely displays the fault data. Diagnosis of the fault is by NMS-C 70 which includes the fault management

element 74. As such, one of ordinary skill in the art would not turn to an automotive application such as in Ying for fault analysis in a communication system.

Applicants maintain the same comments as in the August 24, 2005 Response for the rejection of claims 2, 9-11, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Fletcher in view of Bortcosh, and further in view of Siegel et al. (U.S. Patent No. 6,782,345), and also claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over Fletcher in view of Bortcosh, and further in view of Torch et al. (U.S. Patent No. 5,920,846). Finally, Applicants maintain the same comments for the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Fletcher in view of Bortcosh and Torch et al., and further in view of Bowman-Amuah (U.S. Patent No. 6,345,239). Applicants note that these arguments put forth by the Examiner were not addressed in the Response to Arguments.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/981,898

Attorney Docket No. Q66830

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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